

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: FAIRFIELD SENTRY LIMITED, <i>et al.</i> , <i>Debtors in Foreign Proceedings.</i>	Chapter 15 Case Case No. 10-13164 (CGM) (Jointly Administered)
FAIRFIELD SENTRY LTD. (In Liquidation), <i>et al.</i> , <i>Plaintiffs,</i> v. ABN AMRO SCHWEIZ AG, <i>et al.</i> , <i>Defendants.</i>	Adv. Pro. No. 10-03635 (CGM)
This document is also being filed in the lead adversary proceeding, <i>Fairfield Sentry Ltd. (in Liquidation), et al. v. Theodoor GGC Amsterdam, et al.</i> , Adv. Pro. No. 10-03496.	

**DEFENDANT-APPELLEE’S COUNTER-DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Defendant-Appellee Allianz Bank Financial Advisors SPA (“Allianz Bank”), by and through its undersigned counsel, respectfully submits, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, this counter-designation of items to be included in the record on appeal with respect to the appeal by Plaintiffs in the above captioned adversary proceeding of the February 26, 2021 Stipulated Order Granting In Part And Denying In Part Moving Defendants’ Motions To Dismiss , the December 14, 2020 Memorandum Decision, the August 18, 2020 Order Denying Plaintiffs’ Motion for Leave to File Further Proposed Amended Complaints in the Twelve Actions, the August 10, 2020 Memorandum Decision, the December 6, 2018 Memorandum Decision, and the

August 6, 2018 Memorandum Decision and Order Regarding the Defendants' Motions to Dismiss for Want of Jurisdiction (together, the "Appealed Decisions and Orders") before the United States Bankruptcy Court for the Southern District Of New York.

**COUNTER-DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

1. All items designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders, including, without limitation, the items designated in Plaintiffs' Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal (ECF No. 530) and the items designated in Defendant-Appellees' Counter-Designation of Items to be Included in the Record on Appeal filed by defendants-appellees BNP Paribas (Suisse) SA, et al. (ECF No. 532).¹

RESERVATION OF RIGHTS

2. Allianz Bank expressly reserves the right to supplement the record on appeal or cross-appeal and to adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders.²

¹ Items designated include all exhibits and submissions attached thereto and, as to hearing transcripts, any and all documents admitted into evidence. Citations to "ECF No. ____" refer to docket entries from *Fairfield Sentry Limited, et al. v. ABN AMRO Schweiz AG*, Adv. Pro. No. 10-03635-cgm (Bankr. S.D.N.Y.).

² By filing this paper, Allianz Bank does not waive, but expressly preserves, all defenses and arguments pertaining to lack of personal jurisdiction and insufficient service.

Dated: April 27, 2021

Respectfully submitted,

/s/ Jonathan D. Cogan

Jonathan D. Cogan

Nicholas Ickovic

KOBRE & KIM LLP

800 Third Avenue

New York, New York 10022

Tel: (212) 488-1200

Fax: (212) 488-1220

jonathan.cogan@kobrekim.com

nicholas.ickovic@kobrekim.com

*Counsel for Allianz Bank Financial
Advisors, S.p.A.*

To: All Counsel of Record via CM/ECF